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*1st Session*

SENATE

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# NOMINATION OF RALPH E. KENNICKELL, JR., OF VIRGINIA, TO BE PUBLIC PRINTER

DECEMBER 12 (legislative day, DECEMBER 9), 1985.—Ordered to be printed

Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

## REPORT

together with

## MINORITY VIEWS

[To accompany the nomination of Ralph E. Kennickell, Jr.]

The Committee on Rules and Administration, to which was referred the nomination of Ralph E. Kennickell, Jr., of Virginia, to be Public Printer, having considered the same, reports favorably thereon and recommends that the nomination be confirmed.

### I. BACKGROUND OF NOMINEE AND CHRONOLOGY OF EVENTS

President Reagan nominated Ralph E. Kennickell, Jr. of Virginia to be Public Printer on May 9, 1984.

In response to a Rules and Administration Committee questionnaire, Mr. Kennickell supplied the following biographical and background information for the committee record.

#### BIOGRAPHICAL

1. Name: Ralph E. Kennickell, Jr.
2. Address (current and previous): Current: 1919 Upper Lake Drive, Reston, Virginia. Previous: 17 Komerly Road, Savannah, Georgia.
3. Date and place of birth: October 21, 1945, Savannah, Georgia.
4. Social Security number: 254-72-2243.
5. Marital status: Married.
6. Names and ages of children: Ralph E. Kennickell III, 6 years old; Jason R. Kennickell, 5 years old.

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7. Education: Public schools in Savannah, grades 1-12; graduated from The Citadel in 1967 with B.S. degree in Business Administration.

8. Employment record (including job descriptions):

Kennickell Printing Co., Savannah, Georgia; 4/71 to 10/81.

Vice President and Manager.—Provided day-to-day operational guidance. Performed market analysis and developed new market penetration strategies. Interviewed and hired sales personnel and production employees. Negotiated labor agreements with two labor unions biannually for eight years. Established production standards and tracking systems. Established sales/management compensation contracts. Performed cash management and debt management functions. Developed long and short term strategies for company development. Negotiated the purchase of printing equipment and supplier agreements.

9. Government experience (including military service):

U.S. Army, Field Artillery, 9/67 to 2/71.

Graduated from college with R.O.T.C. commission as Second Lieutenant in the Army Field Artillery. Served in Nuremberg, West Germany as Staff Officer and Artillery Battery Commander. Promoted to Captain and served in Vietnam's Mekong Delta as Senior Mobile Advisory Team Combat Commander.

U.S. Department of Treasury, Office of the Secretary, Washington, DC, 12/81 to 6/82.

Special Consultant to the Assistant Secretary (Administration).—Provided guidance and advice to the Assistant Secretary on labor management, personnel policies, and financial and budgetary issues. Incumbent submitted studies and recommendations in these areas. Represented the Assistant Secretary in Treasury conferences. Performed all functions in a confidential setting. Expedited actions and ensured proper follow-up. Pay grade level GS-15/4, reported to Cora P. Beebe and George Astengo.

U.S. Small Business Administration, Office of Management Assistance, Washington, DC, 6/82 to 10/82.

Special Assistant to the Associate Administrator for Management Assistance.—Served as personal representative of the Associate Administrator at agency and interagency meetings and conferences. Assisted the Associate Administrator in efforts to review program policies, based on the Administration's goal of assisting the small business person. Completed confidential and special projects and explored on a confidential basis new proposals that could become major SBA policy and receive support from the White House. Pay grade level GM-15, reported to James Sanders and John Patrick.

U.S. Small Business Administration, Office of the Administrator, Washington, DC, 10/82 to 1/84.[1]

Special Assistant to the Deputy Administrator.—Served as personal representative of Deputy Administrator at White House meetings involving confidential matters. Prepare policy statements, program regulations, and evaluations. Ensure coordination with

[1] Have been reassigned as Special Assistant to the Administrator on 2/84 and perform same functions for the Administrator as I performed for the Deputy. Pay grade level GM-15, report to James Sanders.

program officials in policy matters. Conduct special projects for the Deputy that are confidential and require contact with other Federal agencies, Congress, and in-house officials. Expedite actions for the Deputy and the Administrator on confidential matters of policy and preference. Pay grade level GM-15, reported to Heriberto Herrera.

10. Memberships:

Landrum Masonic Lodge, Savannah, Georgia.
Alee Shrine Temple, Savannah, Georgia.
Marshwood Country Club, Savannah, Georgia.
Republican National Committee, Washington, D.C.
The Reston Republican Club, Reston, Virginia.
Vietnam Veterans Institute, Washington, D.C.

11. Political affiliation and activities (including voting address):

Is nominee registered to vote?

Is nominee associated with a particular party?

In Savannah, I am recognized as a Republican. I have given the party my time, talent, money, and personal influence as needed.

I am registered to vote in Reston, Virginia.

I am associated with the Republican Party.

12. Honors and awards:

Military:

National Defense Service Medal.
Vietnam Service Medal.
Vietnam Campaign Medal.
Combat Infantryman Badge.
Bronze Star Medal with two overseas bars.
Republic of Vietnam Cross of Gallantry Medal.

Civilian:

Founding member of the Board of Directors of the Printing Industry of Savannah Association, 1975.

Elected President of the Advertising Club of Savannah, 1976.

Hadley B. Cammack Award, for sustained excellence in the field of advertising. Awarded by the Advertising Club of Savannah, 1980.

Secretary Honor Award, for outstanding accomplishments. Awarded by the Secretary of Treasury, 1982.

Special Achievement Award, for sustained superior performance. Awarded by the U.S. Small Business Administration, 1984.

13. Published writings: None.

14. Speeches: None.

15. Qualifications: I have ten years printing experience and was Vice President and Manager of the family printing company in Savannah, Georgia.

The family printing company is a regional marketing facility and has been family owned since 1892. Services range from web produced products to full color custom design annual reports and brochures. Company is recognized as a quality house with excellent customer orientation.

On the basis of Government Printing Office job classification, I qualify as a practical printer in that the family printing company

performed complete typographical, composition, camera, press, and bindery services for our customers.

The Rules Committee was unable to complete its background investigation on Mr. Kennickell prior to the close of the second session of the 98th Congress and Mr. Kennickell's nomination lapsed.

On December 11, 1984, President Reagan appointed Mr. Kennickell to the position of Public Printer during a recess of the Congress.

On January 3, 1985, Mr. Kennickell was nominated by President Reagan to be Public Printer and his nomination was received by the Rules Committee.

On June 12, 1985, a public hearing was held on the nomination of Mr. Kennickell to be Public Printer. Testimony and statements for the record were received from the following individuals:

WITNESS LIST

Ralph E. Kennickell, Jr.

Introduced by: The Honorable Mack Mattingly, United States Senate, and The Honorable Robert Lindsay Thomas, U.S. House of Representatives.

The Honorable Sam Nunn, United States Senate.

Robert S. Willard, vice president, government relations, Information Industry Association, accompanied by: Peyton R. Neal, president, PRN Associates.

George Lord, chairman, Joint Council of GPO Unions.

Benjamin Y. Cooper, vice president, government affairs, Printing Industries of America.

Joyce Blaylock, Inspector General, Government Printing Office.

STATEMENTS RECEIVED FOR THE HEARING RECORD

Shirley Echelman, executive director, Association of Research Libraries.

Brenda Curtis-Heiken, president, National Association of Government Communicators.

Jesse Hamilton, president, Coalition of Minority Workers—GPO Incorporated.

Eileen D. Cooke, director, Washington, D.C. office, American Library Association.

On June 20, 1985 at a Rules Committee business meeting, the committee postponed consideration of Mr. Kennickell's nomination pending further information.

On December 10, 1985, Mr. Kennickell's nomination was approved by the Committee on Rules and Administration.

## II. Committee and FBI Investigation

During the second half of 1984 and the first half of 1985, the Committee attempted to complete its background investigation of Mr. Kennickell. It was felt after the June 20, 1985, business meeting of the Committee that further assistance was needed.

On June 26, 1985, Senators Mathias and Ford wrote to Attorney General Meese enclosing a letter from Senator Gore which posed a number of questions concerning the nomination. The letter asked

that these areas be further investigated and that the Department of Justice report its findings back to the Rules Committee.

By letter of July 1, 1985, the Department of Justice acknowledged receipt of the June 26, 1985, letter.

By letter of July 10, 1985, the Department of Justice stated that the FBI was being asked to obtain answers to questions posed in the letter of June 26, 1985.

By letter dated September 25, 1985, the Justice Department informed the Committee that the FBI had reported its findings to the Department and enclosed a summary of the FBI findings. The Justice Department concluded that "there is insufficient evidence that Mr. Kennickell, or anyone else, has committed a criminal offense; consequently, no further action on our part is contemplated." However, the Criminal Division also reported that it was asking the FBI to conduct additional investigation on three of the questions in order to be fully responsive to the Committee's request.

By letter of November 5, received November 14, 1985, the Justice Department submitted the findings of the FBI's additional investigation to the Rules Committee. Subsequently, White House Counsel briefed Senators Mathias and Ford on the findings of the investigation.

Three main areas of concern arose during the committee background investigation. The FBI focused on these same three issues.

(1) *The question of why Mr. Kennickell's appointment in September 1981 as Deputy Public Printer was not approved by the White House.*

The White House advised that it does not wish to discuss any pre-decisional activity which may have taken place concerning the selection or non-selection of candidates for Presidential appointment.

Mr. Kennickell feels that he did not receive the position as Deputy Public Printer because he did not pass a political background check. Mr. Kennickell, a registered Republican, had voted in the Democratic primary in Georgia. At the June 12, 1985, Rules Committee hearing Mr. Kennickell had stated that there was a schism that had developed within the Republican party in Georgia which resulted in his not being cleared politically for the position.

(2) *The question of what happened to Mr. Kennickell's lost personnel file at GPO.*

The question of how Mr. Kennickell's personnel file disappeared from GPO and what happened to it is still unresolved, despite the fact that the Office of Inspector General of GPO has conducted two investigations into its disappearance.

The results of the first investigation (April 1985) were discussed by Mr. Kennickell and Ms. Joyce Blaylock (Inspector General, GPO) at the June 12, 1985, Rules Committee hearing on Mr. Kennickell's nomination. It could not be determined who lost or stole the official personnel file (OPF) from the Personnel Office at GPO, or even whether the disappearance of the OPF was the result of a theft or an accident.

Subsequent to that hearing, Inspector General Blaylock reopened the investigation at the request of Mr. Kennickell. The results of this second investigation are quite different from the first investigation, and contain some disturbing discrepancies in the testimony

of the witnesses. While the first investigation concluded that the file was known to be missing sometime between 2 p.m., Friday, February 15, 1985, and Tuesday morning, February 19, 1985, the second investigation concluded that the file was known to be missing between 2 p.m. and 4:30 p.m., Friday, February 15, 1985.

The Inspector General report merely noted the conflicting testimony but did not comment on the discrepancies between the results of the two investigations and the discrepancies in the testimony of the various witnesses. Moreover, this report did not discuss any possible relationship between the discrepancies and the missing file.

The FBI investigation shed no light on this situation. It merely reiterated the Inspector General report's conclusion that it could not be determined whether the personnel file was stolen or inadvertently misplaced.

(3) *The question of Mr. Kennickell's ending salary at Kennickell Printing Company prior to his commencement of government service and the question of why his salary was misstated in a White House interview and on various 171 personnel forms Mr. Kennickell filled out prior to and during his federal employment.*

Committee records and FBI records indicate the following statements regarding his ending salary by Mr. Kennickell on federal forms and during government agency or White House interviews:

| Occasion | Salary figure | Date of statement |
|---|---|---|
| 171 Form for Deputy Public Printer | $52,000 | August 20, 1981. |
| White House Interview for Deputy Public Printer | 53,000 | 1981. |
| Resume to Department of Treasury for Consultant Position | 50,000 | December, 1981. |
| 171 Form for Position at Small Business Administration | 55,000 | March 31, 1982. |
| Response to Questionnaire from Senate Rules Committee | 20,929.50 | May 18, 1984. |
| W-2 Form Submitted to Senate Rules Committee | 20,929.50 | June, 1985. |

## III. Rollcall Vote

At the business meeting of the Rules Committee on December 10, 1985, a rollcall vote was taken on a motion to favorably report the nomination of Mr. Kennickell to be Public Printer. The nomination was ordered reported by a vote of 8 to 4.

| YEAS | NAYS |
|---|---|
| Mathias | Ford |
| Hatfield | Pell |
| McClure | Inouye |
| Helms | Gore |
| Warner | |
| Dole | |
| Stevens | |
| Garn | |
| Simon [1] | |

[1] By proxy.

## MINORITY VIEWS OF MESSRS. FORD, PELL, INOUYE AND GORE ON KENNICKELL NOMINATION

It is never pleasant when, in the course of events, it becomes necessary to oppose the confirmation of a Presidential nominee. But such occasions do arise, and they deserve at least a brief explanation of the reasons for such opposition.

During this Committee's investigation of the nominee for the office of Public Printer, Ralph E. Kennickell, Jr., one serious factual discrepancy and an unexplained disappearance of the nominee's personnel file emerged. In our opinion, each of these matters was material and relevant to the fitness of the nominee to hold the important office to which he will be appointed upon confirmation.

On several occasions, beginning in August 1981, Mr. Kennickell entered a false statement on official federal forms relative to his 1981 compensation. Neither Mr. Kennickell's explanation at his hearing nor the facts discovered by the Committee staff, and the FBI in its separate investigation, provided a satisfactory explanation for the salary fact discrepancies.

In February of 1985, just before the Chief Investigator of this Committee was to be given access to the nominee's personnel file, it mysteriously disappeared. Investigations by the Inspector General of the Government Printing Office and by the FBI produced no evidence shedding any light on the file's disappearance.

It is for these reasons—the absence of evidence which we believe adequately removes the cloud of doubt which these events place over the nominee's fitness—that we were constrained to vote against reporting his nomination favorably. We sincerely hope that Mr. Kennickell's performance as Public Printer following his confirmation will serve to minimize if not wholly remove these doubts. We sincerely wish him well.



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